

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**MEDICAL LIABILITY MUTUAL
INSURANCE COMPANY**

PLAINTIFF

VS.

CASE NO. 4:05CV01319 JMM

**ALAN CURTIS, L.L.C., D/B/A/ CRESTPARK
OF MARIANNA, INC., ET AL.**

DEFENDANTS

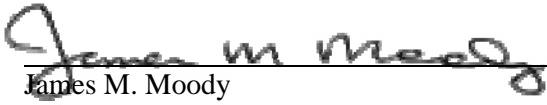
ORDER

Pending before the Court is Mary Redden's Motion to Stay this action pending appeal of the November 21, 2006 Order which denied Ms. Redden's Motion to Intervene. For the reasons stated below, the motion is denied (#58).

A party seeking a stay pending appeal must demonstrate that it is likely to succeed on the merits, that it will suffer irreparable injury unless the stay is granted, that no substantive harm will come to other interested parties, and that the stay will do no harm to the public interest. *Fargo Women's Health Organization, et al., v. Schafer*, 18 F.3d 526, 538 (8th Cir. 1994); *James River Flood Control Assoc. v. Watt*, 680 F.2d 543, 544 (8th Cir. 1982).

For the reasons previously stated by the Court in its previous Order, Ms. Redden has failed to meet the standard set forth above. Primarily, Ms. Redden has failed to demonstrate that she is likely to succeed on the merits. Ms. Redden has no standing to intervene in this declaratory judgment between Medical Liability Mutual Insurance Company and its insured, and she may not intervene as a matter of right under Federal Rule of Civil Procedure 24(a) because she has no recognized interest in the case.

IT IS SO ORDERED THIS 4 day of January, 2007.



James M. Moody
United States District Court